IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 222 OF 2004

Ratanchand Gautamchand Chankeshwara ... Appellant

V/s

Dr. Narayandas Kanhaiyalal Chandak ... Respondent

Mr. Surel S. Shah for the appellant.

Mr. Vineet Naik for the respondent.

CORAM: P.V. KAKADE, J.

DATED: 13TH JUNE, 2005

P.C.:

1. Heard the learned counsel for both parties. Perused the record.

2. This appeal is preferred by the appellant against the judgment and order passed by the Additional District Judge, Solapur, allowing the appeal and setting aside the order of the lower Court dismissing the suit and defendant was mandatorily directed to remove the drainage pipe line of his latrine connecting to the drainage pipe line of plaintiff, within six months from the order dated 5.12.2003.

3. In the course of hearing of both parties, certain suggestions were made by the Court to settle the dispute. On taking instructions from his client, the learned counsel for the appellant submits that, if some more time is granted, his client is ready to comply with the order of the lower appellate Court. In view of this position, without going into the merits of the case, it is hereby directed that the time of three months is granted to the appellant to comply with the order of the lower appellate Court dated 5.12.2003. It is clarified that if the appellant does not comply with the order within the stipulated time, then in that case, the respondent shall be at liberty to get the order executed as directed by the lower appellate Court. It is further clarified that the respondent shall not object if the appellant makes proper application to the Corporation for separate adjacent drainage line to the chamber.

With these directions, the appeal stands disposed of with no order as to costs.

Consequently, the civil application No. 208 of 2004 also stands disposed of.

(P.V. Kakade, J.)